11 (Endorsed:) Supreme Court U. S. October Term 1905. No. 19, original. State of Washington, Complainant, *vs.* State of Oregon. Bill of Complaint. Filed Feb'y 26, 1906.

12 And on the same day, to-wit, on the 26th day of February, A. D. 1906, an order for appearance for complainant was filed in the words and figures following, viz:

Order for Appearance.

Supreme Court of the United States.

No. 19, Orig'l, October Term, 1905.

STATE OF WASHINGTON, Complainant,
vs.
STATE OF OREGON.

The clerk will enter my appearance as counsel for the complainant.

(Name) ERNEST C. MACDONALD,
(P. O. Address) *Spokane, Wash'n.*

NOTE.—Must be signed by a member of the Bar of the Supreme Court United States. Individual and not firm names must be signed.

(Endorsed:) Supreme Court U. S. October Term 1905, No. 19, Original. Appearance for complainant. Filed Feb. 26, 1906.

13 And afterwards, to-wit, on the 27th day of February, A. D. 1906, the following entry appears of record, viz:

No. 19, Original.

STATE OF WASHINGTON, Complainant,
vs.
STATE OF OREGON.

Mr. C. W. Fulton appeared and waived the issuing of process and entered the appearance of the defendant herein, and, on his motion, leave was granted to file the answer of the defendant and also a stipulation of counsel in regard to the taking of testimony in the case.

And on the same day, to wit, on the 27th day of February, A. D. 1906, the answer of the defendant was filed in the words and figures following, viz:

14 In the Supreme Court of the United States, October Term, 1905.

Original, No. 19. In Equity.

STATE OF WASHINGTON, Complainant,
v.
STATE OF OREGON, Defendant.

Answer.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

Now comes the State of Oregon, one of the United States of America, and the above named defendant, and making answer to the bill of complaint herein, denies, admits, and alleges as follows:

Admits "that complainant is one of the union of States constituting and forming the United States of America; that under and by virtue of the provisions of an act of Congress, approved February 22, 1889, complainant was on November 11, 1889, admitted to the union of States, upon an equal footing with the original States in all respects whatsoever."

Admits "That the defendant is also one of the union of States constituting and forming the United States of America; that
15 by an act of Congress, approved February 14, 1859, it was admitted into the union of States, upon an equal footing with the original States in all respects whatsoever."

Denies that the boundary line between the States, in so far as it is material to determine the existing controversy between the complainant and defendant or at all is defined by acts of Congress as follows: "Beginning at a point in the Pacific Ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia River, thence running easterly to and up the middle channel of said river, and where it is divided by islands, up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla River," and denies that said or any boundary line is correctly delineated upon the maps or any maps attached to the complaint and marked, respectively, exhibits "A" and "B," or either of them, and by complainant prayed to be taken and considered as a part of the complaint, but on the contrary, alleges the facts to be as hereinafter set forth.

Admits that a controversy has arisen and exi-ts between complainant and defendant regarding the boundary line between said States, and that defendant has claimed and exercised, and still claims and exercises jurisdiction over numerous islands and sands in said Columbia River and among others, being Desdemona Sands, Sand Island, Kersage Sands, Ryan Sands, Miller's Sands, Reed Sands, Enyert Sands, Oliver Sands, Kaboth Sands, Walker's Island,
16 Johnson's Sands, Bouman's Sands, Helgerson's Sands, Henry's Sands, Colwell's Sands, Taylor's Sands, and other

islands and sands in said river, the exact number and description of which complainant alleges she has not sufficient knowledge upon which to form a belief, but defendant denies that she has unlawfully claimed or exercised or unlawfully claims or exercises jurisdiction over said islands or sands, or any of them, and denies that said islands or sands, or any of them, or any part of them, are in truth or in fact, or at all, within the territorial limits or jurisdiction of the complainant or north of the boundary line between said States.

Admits "That it is exceedingly important to the complainant and defendant that the location of the boundary between said States be speedily and finally determined and settled; that heretofore the peace of the people of the said States has been seriously disturbed by the conflict of jurisdiction arising from the difference of opinion as to the location of said boundary line, but denies that the peace of the people of Pacific County, Washington, has been especially or at all disturbed, and denies that the authorities of the State of Oregon, unlawfully claiming jurisdiction over some or any of the islands mentioned in the complaint, claimed by complainant to be within her jurisdiction, or otherwise, or at all, have invaded the State of Washington, or forcibly, or otherwise, taken or carried away her citizens for alleged violation of the fishing or other laws of the defendant, or for other cause, or at all, or that the authorities of the State of Oregon have unlawfully claimed jurisdiction over
17 any of the islands mentioned in the complaint.

Admits that as a result of the controversy herein, expensive litigation has been instituted and maintained between claimants to tide lands and fishing rights in the Columbia River, under grants from both States, but denies that many or any persons living upon said islands or upon any of them have refused to pay taxes lawfully levied by the State of Washington, or that said islands, or any of them, are within the territorial jurisdiction of complainant.

Defendant admits that the controversy herein involves questions of jurisdiction and sovereignty, and that no adequate relief at law exists.

Defendant further answering the bill of complaint herein alleges: That the act of Congress admitting the State of Oregon into the Union, approved February 14, 1859, established the boundaries of said State on the west and north as follows, to wit:

Beginning one marine league at sea, due west from the point where the forty-second parallel of north latitude intersects the same, thence northerly, at the same distance from the line of the coast, lying west and opposite the State, including all islands within the jurisdiction of the United States, *to a point due west and opposite the middle of the north ship channel of the Columbia river; thence easterly to and up the middle channel of said river, and where it is*
divided by islands, up the middle of the widest channel
18 *thereof to a point near Fort Walla Walla, where the forty-sixth parallel of north latitude crosses said river;* thence east on said parallel to the middle of the main channel of the Shoshones or Snake River.

The words italicized define the north boundary of the *of the* defendant where the same is in the Columbia River, and the same has

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never been changed or altered since it was so established and always has been and still is the true north boundary line of defendant, and the true south boundary line of complainant, and, therefore the true boundary line between said States between said points, and the same is correctly delineated upon the map hereunto annexed and marked "Exhibit 1," and is hereby made, and defendant prays it be considered as a part of this answer.

That all of the islands and sands mentioned in the complaint, and many others too numerous to expressly mention and describe, but over which complainant claims jurisdiction, are south of said boundary line, and wholly within the territorial jurisdiction and under the sovereignty of the State of Oregon.

That all islands and sands, whether or not expressly named herein, situate, lying, and being in the waters of the Columbia River south of the boundary line as delineated on the map hereto annexed and marked "Exhibit 1," as before mentioned, are within the territorial jurisdiction and under the dominion and sovereignty of the State of Oregon, and subject to the laws of said State, and said State has continuously exercised jurisdiction over the same since her admission into the union of States.

19 Wherefore, The defendant prays a decree of this court establishing the boundary line between complainant and defendant, as delineated upon "Exhibit 1," referred to in this answer, and decreeing that the dominion and jurisdiction of the State of Oregon extend over all of the islands and sands mentioned and described in the bill of complaint, and for such other and further relief as to the court may seem meet and consistent with equity and good conscience, and defendant will ever pray.

ANDREW M. CRAWFORD,
Attorney General,
ISAAC H. VAN WINKLE,
Assistant Attorney General,
Solicitors for Defendant.

ANDREW M. CRAWFORD,
HARRISON ALLEN,
Of Counsel.
C. W. FULTON,
Of Counsel.

20 UNITED STATES OF AMERICA,
District of Oregon, County of Marion:

Andrew M. Crawford, being first duly sworn, deposes and says that he is the duly elected, qualified, and acting Attorney General of the State of Oregon; that he has read the foregoing answer, knows the contents thereof and verily believes the same to be true.

—— ——.

Subscribed and sworn to before me this — day of January, 1906.

—— ——,
Clerk of the Supreme Court of the State of Oregon.

(Here follows map marked page 21.)